

EXHIBIT A

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TERM	GLYCOSYN'S CONSTRUCTION	CHR. HANSEN & ABBOTT'S CONSTRUCTION	COURT'S CONSTRUCTION
<p>“the level of β-galactosidase activity comprises between 0.05 and [200 units / 5 units / 4 units / 3 units / 2 units]”</p> <p>(’018 patent claims 1, 18, 25-28)</p>	<p>Not indefinite;¹</p> <p>“when a culture of the <i>E. Coli</i> bacteria comprising the exogenous functional β-galactosidase gene is assayed using the Miller protocol, β-galactosidase activity is measurable at between exactly 0.05 and exactly [200/5/4/3/2] Miller Units, as defined in Miller, J.H., Experiments in Molecular Genetics. Cold Spring Harbor Laboratory (Cold Spring Harbor, N.Y.; 1972) at 352-355”</p>	<p>Indefinite;</p> <p>“β-galactosidase activity is measurable at between exactly 0.05 and exactly [200/5/4/3/2] Miller Units, as defined in Miller, J.H., Experiments in Molecular Genetics (Cold Spring Harbor Lab. 1972) at 352-355, where the β-galactosidase activity is the β-galactosidase activity attributable to the expression of the exogenous functional β-galactosidase gene only”</p>	
<p>“[an] exogenous functional β-galactosidase gene”</p>	<p>Plain and ordinary meaning, <i>i.e.</i>, “contiguous or non-contiguous DNA originating outside the <i>E. coli</i> bacterium</p>	<p>“a single functional sequence of DNA, originating outside the <i>E. coli</i> bacterium, that encodes a</p>	

¹ The parties understand that this Court prefers that indefiniteness be addressed at summary judgment. *See Milliman, Inc. v. Gradient A.I. Corp.*, __ F. Supp. 3d __, No. 21-10865-NMG, 2023 U.S. Dist. LEXIS 9172, at *11-12 (D. Mass. Jan. 19, 2023); *Sunrise Techs., Inc. v. Cimcon Lighting, Inc.*, 280 F. Supp. 3d 238, 247 (D. Mass. 2017); *Amax, Inc. v. ACCO Brands Corp.*, 282 F. Supp. 3d 432, 441-42 (D. Mass. 2017); *Momenta Pharms., Inc. v. Amphastar Pharms., Inc.*, 887 F. Supp 2d 303, 313 (D. Mass. 2012); *Koninklijke Philips Elecs. N.V. v. Zoll Med. Corp.*, 914 F. Supp. 2d 89, 100-01 (D. Mass. 2012). Accordingly, the parties will brief indefiniteness at summary judgment and will not address indefiniteness at the claim construction stage. However, for the avoidance of doubt and to reserve their rights, the parties note their respective indefiniteness positions in this chart.

TERM	GLYCOSYN'S CONSTRUCTION	CHR. HANSEN & ABBOTT'S CONSTRUCTION	COURT'S CONSTRUCTION
('018 patent claims 1, 8, 23, 24)	that encodes for a working β -galactosidase enzyme"	working β -galactosidase enzyme"	